

September 25, 2013

Special Courts for Human Trafficking and Prostitution Cases Are Planned in New York

By WILLIAM K. RASHBAUM

New York State is creating a statewide system of specialized criminal courts to handle prostitution cases and provide services to help wrest human- and sex-trafficking victims from the cycle of exploitation and arrest, the state's chief judge announced on Wednesday. The initiative is believed to be the first of its kind in the nation.

Eleven new courts across the state, modeled on three narrower pilot projects in New York City and Nassau County, will bring together specially trained prosecutors, judges and defense lawyers, along with social workers and an array of other services, the chief judge, Jonathan Lippman, said in a speech to the Citizens Crime Commission in Midtown Manhattan.

“Human trafficking is a crime that inflicts terrible harm on the most vulnerable members of society: victims of abuse, the poor, children, runaways, immigrants,” Judge Lippman said. “It is in every sense a form of modern-day slavery. We cannot tolerate this practice in a civilized society, nor can we afford to let victims of trafficking slip between the cracks of our justice system.”

The new Human Trafficking Intervention Courts will handle all cases involving prostitution-related offenses that continue past arraignment, Judge Lippman said. Cases will be evaluated by the judge, defense lawyer and prosecutor, and if they agree, the court will refer defendants to services like drug treatment, shelter, immigration assistance and health care, as well as education and job training, in an effort to keep them from returning to the sex trade.

The new program is in some measure modeled after specialized courts for domestic violence and low-level drug offenses. They are intended to end the Sisyphean shuffling of victims of trafficking through the criminal justice system, a process that fails to address the underlying reasons for their landing in court — or on the streets — in the first place, the judge said.

The initiative comes at a time of growing consensus among criminal justice professionals across the country that in many cases it makes more sense to treat people charged with prostitution offenses as victims rather than defendants. It is a view that is in some measure born of an

increasing focus on the widespread trafficking of under-age girls; women typically enter prostitution in the United States between ages 12 and 14, Judge Lippman said.

That consensus was reflected by some of the people who joined Judge Lippman for the announcement. There were district attorneys from across the state, including Cyrus R. Vance Jr. from Manhattan, Richard A. Brown from Queens and Daniel M. Donovan Jr. from Staten Island; Kathleen M. Rice from Nassau County, who heads the state's District Attorneys Association; Steven Banks, the Legal Aid Society's attorney in chief; and Lori L. Cohen, director of Sanctuary for Families' Anti-Trafficking Initiative, a leading advocate for trafficking victims. Representatives of some of the dozen other service providers involved in the new program also attended.

The consensus was also reflected by three laws passed by the New York Legislature in recent years, including the Anti-Human Trafficking Act, which criminalizes sex and labor trafficking; the Safe Harbor for Exploited Children Act, under which anyone younger than 18 who is arrested on prostitution charges is treated as "a sexually exploited child"; and a law that allows trafficking victims to have their prostitution convictions vacated.

The new courts, one in each of New York City's five boroughs and six others situated from Long Island to Buffalo, will all be functioning by the end of October, Judge Lippman said. They will handle 95 percent of the thousands of cases each year in which people are charged with prostitution and human trafficking offenses.

Other cities across the country have special trafficking courts, including Baltimore; Columbus, Ohio; Phoenix; and West Palm Beach, Fla. A law that took effect this month in Texas requires the largest counties to start prostitution diversion programs, and Connecticut has two courts that deal with so-called quality-of-life offenses, including prostitution.

But New York State's new courts, Judge Lippman said, represent the first statewide system to deal with human trafficking.

He said setting up the courts would require minimal to no additional spending because the system would simply be handling the same cases in a more creative manner. He said there would be more costs to the service providers, which are financed largely by government grants and private sources, but he could not provide a dollar figure.

Mr. Banks, of the Legal Aid Society, said in an interview that the new system was "an extremely important step forward nationally" to set up courts where people accused of prostitution and

prostitution-related offenses can be connected to programs that offer what he called “a pathway to change.”

“It’s certainly critical that underlying all of this is the concept of providing a helping hand rather than the back of a hand,” he said. “Survivors of trafficking are left with literally an indelible scar in the form of a criminal record that affects employment, housing, financial aid for college and government benefits and even the ability to stay in this county.”

The approach being tried in New York, he added, “can give human trafficking survivors a second chance in life.”

This article has been revised to reflect the following correction:

Correction: September 25, 2013

An earlier version of this article gave an incorrect name for the director of Sanctuary for Families’ Anti-Trafficking Initiative, an advocacy group for trafficking victims. Her name is Lori L. Cohen, not Laurie Cohen.